

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Art Unit: 2624

Brundage et al.

Confirmation No.: 5107

Application No.: 10/828,930

Filed: April 20, 2004

For: **PROGRESSIVE WATERMARK
DECODING ON A DISTRIBUTED
COMPUTING PLATFORM**

Via Electronic Filing

Examiner: A. Carter

Date: December 1, 2006

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants request review of the final rejection in the above-identified application.

This request is being filed with a Notice of Appeal and an Amendment After Final.

The review is requested for the reason(s) stated on the attached sheets. (No more than 5 pages are provided.)


Date: December 1, 2006

CUSTOMER NUMBER 23735

Phone: 503-469-4800
FAX 503-469-4777

Respectfully submitted,

DIGIMARC CORPORATION

By 
Joel R. Meyer
Registration No. 37,677

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REASONS FOR REQUEST FOR PRE-APPEAL REVIEW

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Sir:

Responsive to the final Office Action dated September 1, 2006, Applicant files herewith an Amendment After Final, Notice of Appeal, a Request for Pre-Appeal Brief Review, and the following reasons for requesting the pre-appeal review.

Claims 1, 4-7 and 9 are rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent No. 5,859,920 to Daly et al. ("Daly"). Claim 8 is rejected under 35 Section 103(a) as being unpatentable over Daly. Applicants requests pre-appeal review of these rejections because they are based on a faulty premise, namely, that elements 16 and 18 in Fig. 1 of Daly represent a device and a system, respectively, and further that alleged "system 18" is remote from alleged device 16 in Fig. 1 of Daly. In actuality, elements 16 and 18 are steps in a method in the flow chart illustrated in Fig. 1. The cited portions of the specification referring to this diagram do not suggest that elements 16 and 18 are devices or systems, nor does it suggest that one is remote from the other. Therefore, Daly does not teach the elements of claim 1 and 4-7, nor does it render claim 8 obvious.

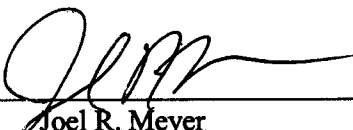
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